

REMARKS

Reconsideration of this application is respectfully requested.

The 35 U.S.C. §112 rejection is noted, and the respective claims have been rewritten to overcome the rejection.

The allowability of the objected to claims is also noted. However, the rejections of independent claim 1 is respectfully disagreed with.

It is most respectfully submitted that the apparatus of the present invention cannot be compared to a floor drain. The floor drain cannot be considered as an underground water retention apparatus. The Scoville apparatus is merely a drain element for water and does not retain the water which drains into it. The comparison is not even the same as comparing a bicycle to a truck! While both are a means of transportation, the two structures are completely dissimilar.

Moreover, at their broadest interpretation, the Scoville apparatus does not include the limitations of claim 1. The analysis of the Examiner is respectfully disagreed with.

In the first place, it is obvious that the walls of the Scoville apparatus are unitary in structure and purpose, not separate in structure and purpose as the Examiner states. In other words, the Scoville apparatus does not have separate perimeter support means and liner means as does the present invention.

In the second place, it is obvious that the Scoville apparatus does not have separate structural elements for roof means and means for draining water into the structure. Scoville discusses and claims "a cover having a plurality of spaced openings."

Finally, as set out earlier, you cannot compare a tiny floor drain to a large water retention apparatus. They are simply different in concept, purpose, and structure.

Thus, it is respectfully submitted that the Examiner's analysis and comparison of the Scoville structure with the present claims as found on pages 3, 4, 5, and 6 are in error and should be withdrawn.

Moreover, to use a pump, as taught by Bohnhoff, in the Scoville structure would be ridiculous! Bohnhoff is at least comparable to some degree with the present structure; Scoville is not comparable. However, the Bohnhoff structure is completely different from the present invention.

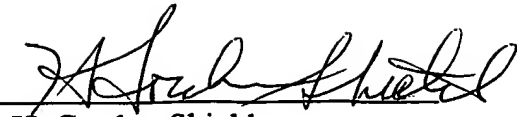
It follows that independent claim 1 is allowable and that all of the remaining claims, all dependent, are also allowable. An indication of such allowability is respectfully requested.

Exhibit A includes the rewritten claims with appropriate brackets and underlining.

Respectfully submitted,

JEFFREY J. NORMAN, Applicant

By




H. Gordon Shields,
Attorney of Record

HGS:jg
Enclosures
Phoenix, Arizona
(602) 995-0490

*I hereby certify that this correspondence is being deposited with the
United States Postal Service as First Class Mail in an envelope addressed to:*

COMMISSIONER OF PATENTS AND TRADEMARKS, Washington D.C. 20231, on
2-14-03

H. GORDON SHIELDS, Reg. No. 23,099.


Signature

2-14-03
Date

EXHIBIT A

3. The apparatus of claim 2 in which the means for draining run off water from the liner includes a dry well.

4. The apparatus of claim 1 in which the means for draining run off water from the liner includes a pump.

12. The apparatus of claim [1] 11 in which the plurality of tee elements are disposed adjacent to each other.

19. The apparatus of claim [1] 18 in which the liner means is secured to the vertically disposed retaining wall.

23. The apparatus of claim [22] 1 in which the perimeter support means includes a plurality of relatively short stepped retaining walls.

24. The apparatus of claim 23 in which the liner means is secured to the plurality of relatively short stepped retaining walls.

26. The apparatus of claim 25 in which the roof means further includes a concrete cap disposed on the plurality of structural tee elements.